

REMARKS

Status of the Application

Claims 1-9 and 11-29 are all the claims that have been examined in the application. Claims 1-2, 6-7, 12-16, 20-21, and 25-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,943,909 to Goldstein et al. Claims 3, 5, 8, 11, 17, 19, 22, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldstein, in view of Official Notice. Claims 4, 9, 18, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldstein in view of Admitted Prior Art. Claims 1-9 and 11-29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10-23 of copending Application No. 10/391,597.

By this Amendment, Applicant is adding new claims 30 and 31.

Preliminary Matters

Applicant thanks the Examiner for withdrawing both the objection to the oath and the objection to the specification. Applicant further thanks the Examiner for withdrawing the rejections under 35 U.S.C. § 112.

Claim Rejections - 35 USC § 102

Claims 1-2, 6-7, 12-16, 20-21, and 25-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,943,909 to Goldstein et al.

Claim 1 recites “temporary storage means for temporarily storing said image data sent from the imaging apparatus and for coordinating the difference in communication speed between wired and wireless communications.” The Examiner alleges that Goldstein teaches or suggests all of the elements of claim 1, citing image pump 120 as the recited wireless communication

apparatus, FIG. 2, element 210 as the recited wireless communication means, and image pump 120 as the temporary storage means. Applicant respectfully submits that the Examiner has failed to indicate where and how Goldstein anticipates all of the elements of claim 1.

First, the Examiner cites to the same element of Goldstein as anticipating *both* the wireless communication apparatus and the temporary storage means, which is an element of the wireless communication apparatus. Based on the Examiner's rejection, the Examiner is asserting that the image pump is sub-component of the image pump, which is logically incorrect. Further, the Examiner fails to cite any portion of Goldstein which indicates that the image pump functions as a *temporary storage means*. As seen in FIG. 6, image pump 120 contains an image pump manager 622 which stores digital images from a digital camera in image buffer 618. The image pump manager may then send the images from the image buffer to the service provider. It appears that the image buffer would be most closely associated with the claimed storage means. However, Goldstein makes no indication that the image buffer is a *temporary storage means*. Further, the image buffer does not coordinate the difference in communication speed between wired and wireless communications. The Examiner suggests that the coordination of the differences between the two communication systems is inherent in the buffer. However, because the image pump appears to require significant user prompts for transmission (see Claim 1 of Goldstein) Applicant submits that the coordination is not inherent as the Examiner contends. Therefore, Goldstein fails to teach or suggest the temporary storage means as recited in claim 1. Claim 1 is patentable over the applied art.

Claims 2, 6-7, 12-14 and 28 are patentable at least by virtue of their dependency from claim 1.

Further, claims 2, 7 and 28 are patentable for reasons independent of their dependency.

Claim 2 recites “an image server connected to the wireless communication apparatus via the wired communication line, for storing said image data sent from the wireless communication apparatus.” Claims 7 and 28 recite similar limitations. The Examiner cites to col. 7, lines 45-53 of Goldstein as teaching this aspect of the claimed invention, stating that an image server is inherent based on the disclosure. However, the cited passage of Goldstein simply indicates that the service provider provides the requested services. There is no indication that the service provider inherently includes an image server as recited in claim 2. Specifically, col. 7, lines 45-53 simply states that if image data is acceptable to be processed, then the service provider provides the requested services; no mention is made that the image data sent from the wireless communication apparatus is stored in any manner, as would be necessary to argue the inherency of an image server. Therefore, claims 2, 7 and 28 are patentable over the applied art.

Claim 15 recites similar limitations to claim 1, and thus is patentable for reasons analogous to those presented with respect to claim 1. Claims 16, 20-21 and 25-27 are patentable at least by virtue of their dependency from claim 15.

Claim Rejections - 35 USC § 103

Claims 3, 5, 8, 11, 17, 19, 22, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,943,909 to Goldstein et al. in view of Official Notice.

Claims 3, 5, 8, 11, 17, 19, 22 and 24 are dependent from claims 1 and 15. Because Goldstein fails to teach or suggest all of the elements of claims 1 and 15, and because the Examiner’s Official Notice fails to cure the defects noted with respect to claims 1 and 15, claims 3, 5, 8, 11, 17, 19, 22 and 24 are patentable by virtue of their respective dependencies.

Claims 4, 9, 18, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldstein in view of Admitted Prior Art.

Claims 4, 9, 18 and 23 are dependent from claims 1 and 15. Because Goldstein fails to teach or suggest all of the elements of claims 1 and 15, and because the Admitted Prior Art fails to cure the defects noted with respect to claims 1 and 15, claims 4, 9, 18 and 23 are patentable by virtue of their respective dependencies.

Double Patenting

Claims 1-9 and 11-29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10-23 of copending Application No. 10/391,597.

Because the double patenting rejection is a provisional rejection in this instance, the Examiner should withdraw the provisional rejection if the claims are otherwise found to be allowable. Thus, Applicant requests that the Examiner hold the provisional rejection in abeyance until the Examiner has considered the instant amendment.

New Claims

New claims 30-31 are dependent from claim 1. Therefore, claims 30 and 31 are patentable at least by virtue of their dependency from claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/648,367

Q77076

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

/Dion R. Ferguson/
Dion R. Ferguson
Registration No. 59,561

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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